

**In the Matter Of:**

LAURIE ORTOLANO vs

CITY OF NASHUA

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**MICHAEL CARIGNAN**

*April 19, 2024*

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*  
LAURIE ORTOLANO,  
Plaintiff,  
vs.  
CITY OF NASHUA, et al.,  
Defendants.  
\* \* \* \* \*

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\* No.  
\* 1:22-cv-00326-LM  
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VIDEOCONFERENCE DEPOSITION OF MICHAEL CARIGNAN,  
Deposition taken with all parties appearing remotely,  
on Friday, April 19, 2024, commencing at 3:11 p.m.

Court Reporter:  
Pamela J. Carle, LCR, RPR, CRR

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<p style="text-align: right;">Page 74</p> <p>1 Q. But in your words, you know that 2 Ms. Ortolano was cleared? 3 A. Correct. 4 Q. Meaning she was not arrested at that 5 time? 6 A. That's correct. 7 Q. And I'm sorry if I'm repeating. Did 8 you know whether the officers no trespassed her at 9 the time? 10 A. I don't. I don't remember them -- I 11 don't remember knowing that at all. 12 Q. And do you remember reading about the 13 incident in the newspaper or from some other news 14 medium? 15 A. I don't remember specifically, but I 16 was kept pretty well informed on news outlets, 17 so whether, you know, I'm not sure if it made 18 Channel 9 news, I'm not sure if it was the Patch or 19 the Telegraph or -- I remember being informed, and 20 generally when it became -- with the Nashua 21 situation it was more about what I was told from my 22 two deputies. 23 Q. Or at the morning meetings, 24 potentially? 25 A. Correct.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Do you recall whether this ever came up 2 at one of the morning meetings? 3 A. It's something that would have come up, 4 but I don't know if -- it's also possible that the 5 same officers would have come in or the captains or 6 deputies would have come in and told me that day. 7 It's something that would have generated somebody 8 mentioning it to me. 9 Q. It would have generated some buzz 10 throughout the department? 11 A. Yes. 12 Q. Ms. Ortolano was fairly well known in 13 the department, is that sort of the thought? 14 A. I can't answer that. Amongst the 15 command staff she was. 16 Q. Now, do you remember seeing in the news 17 that a police spokesman had said that the matter 18 is over, and that nothing further would be 19 happening? 20 A. I don't. 21 Q. Do you remember -- do you know Celia 22 Leonard? 23 A. Professionally we've met a few times, 24 yes. 25 Q. And you know she is an attorney in the</p>
<p style="text-align: right;">Page 76</p> <p>1 city legal department? 2 A. At the time she was, yes. 3 Q. And you know that she also was one of 4 the people who were present while Laurie Ortolano 5 was in the legal office on the day in question? 6 A. Yes. From what I was told, yes. 7 Q. And did you ever hear that Celia 8 Leonard, when she heard that the police department 9 would be -- the incident would require no further 10 action, do you recall her saying these words, or 11 something to this effect: I find it troublesome, 12 to say the least. My office will be speaking with 13 the police further. 14 A. No, I don't remember her saying that 15 prior to my meeting. I didn't have any 16 conversations with her prior to my meeting with 17 Steven Bolton and several members of the legal 18 department. 19 Q. Okay. So -- but it's fair to say that 20 you thought at one point the matter was cleared, 21 meaning the matter was over, right? 22 A. Correct. 23 Q. And then a communication occurred from 24 the city legal department to the police 25 department?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Correct. 2 Q. And the communication was that they 3 wanted a further investigation done into the 4 matter, right? 5 A. I'm not sure how that -- I'm not sure 6 that's -- if it was them asking for more 7 information. I'm aware that I got -- I was 8 contacted and requested a meeting with the legal 9 department and Mr. Bolton. 10 Q. So you got a call directly from the 11 legal department requesting a meeting? 12 A. I don't know if it was a call or an 13 e-mail. I was contacted then. 14 Q. And when was that meeting held, to the 15 best of your recollection? 16 A. It had to be within -- I would say 17 within a week of the incident. Please don't hold 18 me to a hard date, but within about a week. 19 Q. Where was the meeting held? 20 A. It was held in the legal department -- 21 City Hall legal department conference room. 22 Q. Who was present from the Nashua Police 23 Department at that meeting? 24 A. I was present. I don't honestly 25 remember who else was present. I don't, yeah.</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Do you remember if Patrolman Earnshaw 2 was present?</p> <p>3 A. He was not.</p> <p>4 Q. Sergeant Gilbert?</p> <p>5 A. He was not.</p> <p>6 Q. Is it Lieutenant Rourke?</p> <p>7 A. That was Deputy Chief Rourke at the 8 time. He could have been because he was the 9 uniformed deputy, but I don't remember if anybody 10 was there.</p> <p>11 Q. Is there a police officer named Roach?</p> <p>12 A. Tim Roach, yes.</p> <p>13 Q. Tim Roach. Do you remember if he was 14 there?</p> <p>15 A. He would not have been at that meeting.</p> <p>16 Q. So you remember that you were there, 17 but you don't remember whether anyone else was 18 there, but it's possible that Deputy Chief Rourke 19 might have been there?</p> <p>20 A. Correct.</p> <p>21 Q. Who was present from the legal 22 department?</p> <p>23 A. Steve Bolton was present.</p> <p>24 THE WITNESS: Is Celia the red-headed 25 one? Taller, the red-headed one?</p>	<p style="text-align: right;">Page 79</p> <p>1 MR. CULLEN: I wouldn't be able to 2 answer you even if I could answer, but truthfully, 3 I don't know exactly what Celia looks like.</p> <p>4 A. Sorry, I didn't have much interaction 5 with the other attorneys.</p> <p>6 BY MR. MALAGUTI:</p> <p>7 Q. You would say a tall red-headed 8 attorney?</p> <p>9 A. Yeah, she was there, as well as there 10 might have been a younger lady there that was part 11 of the legal department's administrative staff.</p> <p>12 Q. A paralegal, potentially?</p> <p>13 A. Correct.</p> <p>14 Q. Would the name Manuela Perry sound 15 familiar?</p> <p>16 A. I'm not sure. I never worked with her.</p> <p>17 Q. Manuela, I think. Okay. Anyone else 18 from the legal department?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Who did most of the speaking from the 21 legal department?</p> <p>22 A. Attorney Bolton.</p> <p>23 Q. Now, the tall red-headed attorney, did 24 she do any speaking?</p> <p>25 A. No, not that I remember. It was</p>
<p style="text-align: right;">Page 80</p> <p>1 Attorney Bolton.</p> <p>2 Q. He did all the speaking, as far as you 3 remember, on behalf of the legal department?</p> <p>4 A. Correct.</p> <p>5 Q. And you did all the speaking on behalf 6 of the police department?</p> <p>7 A. Correct.</p> <p>8 Q. So what did Steve Bolton say?</p> <p>9 A. Paraphrasing the conversation, he was 10 not satisfied with the outcome of the 11 investigation. He felt that she should have been 12 placed under arrest immediately. He expressed 13 concern for his staff, meaning the other attorneys 14 and the paralegals in the department, and he had 15 asked me to -- I guess he told me to arrest her, 16 and I told him I would not arrest her.</p> <p>17 Q. Was Attorney Bolton angry?</p> <p>18 A. Yes.</p> <p>19 Q. Did he shout?</p> <p>20 A. Raised voice.</p> <p>21 Q. Did he bang anything?</p> <p>22 A. Not that I remember.</p> <p>23 Q. Did he explain what his concern for his 24 staff was?</p> <p>25 A. Yes, he expressed concern for their</p>	<p style="text-align: right;">Page 81</p> <p>1 safety, based on what he felt was unpredictable 2 behavior from Ms. Ortolano.</p> <p>3 Q. You know Ms. Ortolano, I think you've 4 said.</p> <p>5 A. I do. Yes.</p> <p>6 Q. From her physical makeup, do you think 7 she could hurt somebody physically?</p> <p>8 A. Based on my experience, sir, it really 9 doesn't matter, physical appearance. We've 10 scrapped with some pretty small, slight people, so 11 that's not really a good question. I'm sorry.</p> <p>12 Q. As one of those small, slight people, 13 I'll take note. Did you consider Ms. Ortolano to 14 be a physical threat?</p> <p>15 A. I did not.</p> <p>16 Q. Do you know if any of the officers who 17 were responding to the incident did?</p> <p>18 A. I'm not sure how they felt, but I don't 19 believe they did.</p> <p>20 Q. Do you know whether the incident 21 report, whether the -- whether the papers 22 surrounding the incident said that Ms. Ortolano 23 made any threats?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Do you know what physical position or</p>

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<p style="text-align: right;">Page 82</p> <p>1 posture was in -- Ms. Ortolano was in when she was 2 in the legal office?</p> <p>3 A. I believe she was sitting down in front 4 of the door. If I remember right, that's what -- 5 that's what's coming to mind.</p> <p>6 Q. She was sitting on the floor.</p> <p>7 A. Correct.</p> <p>8 Q. Did Mr. Bolton tell you that she had 9 made threats?</p> <p>10 A. I don't believe so. I don't recall him 11 saying that she had made threats.</p> <p>12 Q. No one else in the meeting said that 13 she had made threats?</p> <p>14 A. Not that I remember.</p> <p>15 Q. Was it your position at the time that 16 you were going to stick with what the officers had 17 found and put in their papers that they had 18 created for the incident?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any reason to doubt that 21 what they said in that original incident report 22 and the supplemental narrative were anything other 23 than true and accurate?</p> <p>24 A. No, I -- I believe that they were 25 absolutely true and accurate.</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. How long did the meeting with the legal 2 department last?</p> <p>3 A. Approximately a half an hour, maybe a 4 little less.</p> <p>5 Q. Now, you said that you were not going 6 to immediately arrest Ms. Ortolano. Did you say 7 anything else in terms of an investigation that 8 might follow?</p> <p>9 MR. CULLEN: Objection to form. You 10 can answer.</p> <p>11 A. I don't know the specific word, so did 12 I say the immediate -- to answer your question, I 13 don't know. My belief was that this matter was 14 closed, and we were not going to pursue further 15 charges.</p> <p>16 BY MR. MALAGUTI:</p> <p>17 Q. So I wrote down that Steve Bolton said 18 he was not satisfied, is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. And then he demanded -- I believe you 21 used the word he told you to arrest her 22 immediately?</p> <p>23 A. That's correct.</p> <p>24 Q. Go ahead.</p> <p>25 A. He didn't say immediately -- paraphrase</p>
<p style="text-align: right;">Page 84</p> <p>1 the conversation, he said that we should arrest 2 her, or you should be able to arrest her.</p> <p>3 Q. Would you consider what he said to have 4 been a demand that you arrest her?</p> <p>5 A. He was trying to present it as a 6 demand.</p> <p>7 Q. Okay, what else did he say, if 8 anything, during that up to a half an hour 9 meeting?</p> <p>10 A. That's pretty much -- the conversation 11 was about his position of us arresting her and us 12 not going to do what he said. And there was back 13 and forth, and I don't remember specific 14 conversations or specific words that were used, but 15 he wanted us to have her arrested, and at that time 16 I was not of the opinion that we would be 17 arresting her.</p> <p>18 Q. And did you say anything else that you 19 haven't already told us?</p> <p>20 A. Not that I know of, no.</p> <p>21 Q. Now, was the meeting being audio or 22 video recorded, to your knowledge?</p> <p>23 A. To my knowledge, no.</p> <p>24 Q. Did you notice whether anyone was 25 taking notes of the meeting?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I don't notice -- I did not notice.</p> <p>2 Q. Now, you're the -- you were then the 3 chief, so you're not the kind of person who would 4 rush back and file an incident report, I would 5 imagine, would that be correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Did you, upon returning to your office, 8 create any written documents in regard to the 9 meeting?</p> <p>10 A. I don't believe I did. I generally as 11 the chief didn't do documents based on meetings.</p> <p>12 Q. And did you discuss the meeting with 13 any of your command staff or anyone else in the 14 police department?</p> <p>15 A. Sure. I don't remember specifically 16 who was present, but it's something I would have -- 17 it's a conversation I would have had with -- if 18 Kevin Rourke was with me at the meeting, we would 19 have talked about, again, I don't remember if he 20 was there or not, but if not, we would have talked 21 about it back in my office.</p> <p>22 Q. Do you remember if the meeting came up 23 at one of the morning meetings?</p> <p>24 A. At the meeting, no. That's generally 25 not something I would discuss.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Were there further conversations with</p> <p>2 Steve Bolton or anyone on his staff between the</p> <p>3 time you left that meeting and when Ms. Ortolano</p> <p>4 was actually arrested?</p> <p>5 A. No.</p> <p>6 Q. Now, when you were dealing with</p> <p>7 Mr. Bolton and the tall red-headed attorney and</p> <p>8 others, is it fair to say that there was no</p> <p>9 attorney-client relationship because they -- you</p> <p>10 considered them to be the victims rather than</p> <p>11 attorneys?</p> <p>12 MR. CULLEN: Objection to form. You</p> <p>13 can answer.</p> <p>14 MR. MALAGUTI: No, that's a bad</p> <p>15 question, so let me reform it.</p> <p>16 BY MR. MALAGUTI:</p> <p>17 Q. Is it fair to say that you did not</p> <p>18 consider there to be an attorney-client</p> <p>19 relationship with anyone in the legal department</p> <p>20 regarding the January 22nd incident?</p> <p>21 A. Yes.</p> <p>22 Q. In fact, you told us early on that</p> <p>23 there are very limited circumstances by which</p> <p>24 there's an attorney-client relationship with the</p> <p>25 city legal department and the police department?</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Correct.</p> <p>2 Q. You got further communications from the</p> <p>3 legal department -- and let me reframe that.</p> <p>4 To your knowledge, did you or anyone at</p> <p>5 the police department get further communications</p> <p>6 from the legal department between the time that</p> <p>7 the meeting occurred and Ms. Ortolano was</p> <p>8 arrested?</p> <p>9 A. I don't -- I don't recall specifically</p> <p>10 getting any myself. I know that there were several</p> <p>11 conversations back throughout this entire ordeal,</p> <p>12 not just this arrest, where Bolton would contact</p> <p>13 the legal department, and I believe it was Captain</p> <p>14 Brian Kinney at the time, or Lieutenant Kinney.</p> <p>15 There was some -- I think some conversations there</p> <p>16 that he let me know about.</p> <p>17 Q. Captain or Lieutenant Brian Kinney, was</p> <p>18 he in the police legal department or was he in</p> <p>19 some other department?</p> <p>20 A. He was part of the Nashua police legal</p> <p>21 department.</p> <p>22 Q. Was he an attorney?</p> <p>23 A. No.</p> <p>24 Q. Did -- it sounds like he got promoted</p> <p>25 to captain, he might have been a lieutenant at the</p>
<p style="text-align: right;">Page 88</p> <p>1 time, so I'll just call him Brian Kinney.</p> <p>2 Did Brian Kinney tell you the content</p> <p>3 of those conversations between himself and</p> <p>4 Steve Bolton?</p> <p>5 A. The conversation, I don't recall him</p> <p>6 telling me specifically, but it would have gone to</p> <p>7 his captain up to the deputy to me.</p> <p>8 Q. And you don't remember anything that</p> <p>9 was said?</p> <p>10 A. No.</p> <p>11 Q. Admittedly, by the time it reached you</p> <p>12 second or third-hand?</p> <p>13 A. Correct.</p> <p>14 Q. Do you remember the nature of what was</p> <p>15 said?</p> <p>16 A. I don't. I -- no, I remember the</p> <p>17 conversation with Bolton, and we held firm that we</p> <p>18 weren't going to pursue charges, and that's -- I</p> <p>19 knew there was back and forth, but I don't remember</p> <p>20 what they specifically were.</p> <p>21 Q. Did you understand that Steve Bolton</p> <p>22 was advocating for the arrest of Laurie Ortolano</p> <p>23 when he spoke with Brian Kinney?</p> <p>24 A. I believe so. I know for a fact he was</p> <p>25 advocating for it when we had our meeting.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. At some point did the police department</p> <p>2 open an investigation into whether Laurie Ortolano</p> <p>3 should get arrested?</p> <p>4 A. Yes.</p> <p>5 Q. How soon was that after the meeting at</p> <p>6 Bolton's office?</p> <p>7 A. I don't know specifically. If I had to</p> <p>8 guess, it was within a week.</p> <p>9 Q. Do you know why the investigation was</p> <p>10 opened?</p> <p>11 A. I do.</p> <p>12 Q. Why?</p> <p>13 A. I was advised by my deputies that they</p> <p>14 wanted to open an investigation to re -- to relook</p> <p>15 at the case because of a social media post that</p> <p>16 Ms. Ortolano had posted, but if I remember right,</p> <p>17 she was bragging about refusing to leave, and</p> <p>18 not -- not obeying the commands of what the person</p> <p>19 who had control of the property did, meaning the</p> <p>20 legal department.</p> <p>21 Q. You understand that Ms. Ortolano has a</p> <p>22 First Amendment right to post on social media?</p> <p>23 A. I do.</p> <p>24 Q. You understand that Ms. Ortolano has a</p> <p>25 right to post even offensive material under the</p>

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## CERTIFICATE

I, Pamela J. Carle, Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of MICHAEL CARIGNAN, who was first duly sworn, taken at the place and on the date hereinbefore set forth, and that reading and signing of the transcript was not discussed.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case nor am I financially interested in this action.

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Pamela J. Carle, LCR, RPR, CRR